

U.S. Patent Application Serial No. 10/009,165
Reply to Office Action Dated: August 2, 2004

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1, 2, 4, 6, 9, and 10 are hereby amended. No new matter has been added. Support for the amendment to claims 1, 6, and 10, specifying that the nozzle is "adapted for contacting a single lubrication point at a time", is found in the drawings. Support for the amendments to claims 1, 2, 4, 6, 9, and 10, clarifying whether memory is that of the fixed computer or that of the mobile memory, can be found in both original claim 2 and the specification, page 2, lines 11-12.

Claims 1, 2, 4-7, 9, and 10 were rejected as being unpatentable over Totaro in view of Hyvonen and Shida. Applicant's traverse this rejection to the extent that it is maintained. Totaro teaches only a hand grease gun that is manually controlled. Totaro teaches away from the connection to auxiliary equipment (see column 5, lines 18-24).

Hyvonen teaches an automated system for monitoring and controlling the circulation of oil. In the system according to Hyvonen, oil is fed from a storage facility (also designated as lubrication center) 30a-b, through pipes 32, ... to the respective lubrication point. From the lubrication point, the oil returns through a return pipe 37... and back to the lubrication center (see column 5, lines 39-50). No manual lubrication is performed. Hyvonen teaches that the problem of prior art systems is that the circulation lubrication had to be manually regulated by means of flow meters at each lubrication point (see column 1, lines 38-53). Hyvonen teaches away from any manual regulation of the flow of lubricant at the lubricant point.

A combination of Hyvonen with Totaro would involve dismantling the Hyvonen system, which would render it inoperable, since there could be no automatic lubricant supply and return from the lubrication points.

Shida teaches only the identification and data retrieval elements. The barcode scanner (12) reads a bar code (13) attached in the vicinity of the oil feeding port (10). This code is

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transmitted to the computer/register in the gas station where the identification of the vehicle, including car number, customer code, and oil volume can be determined. The data read could not provide a specific fill volume, as Shida does not suggest to identify the current oil level in the tank. (It may not be empty.)

Further, Shida does not suggest that post event data is communicated via a transmitting means to the computer/register in the gas station. Shida teaches only identification of the vehicle in order to improve efficiency. In contrast, claim 2 recites that following the administration of lubrication to the lubrication point, information on the lubrication carried out is stored in mobile memory and then is transmitted to the memory of the computer.

Even further, Shida does not teach a bi-directional communication between the nozzle and the computer/register. Shida "sends the customer information to a superior device through a transmitting means". By definition, a transmitting device can only send data, not receive data. The claimed invention recites bi-direction communication between the fixed computer (12) and the mobile memory of the control element (8) of the nozzle (6). Claim 2 recites that data, on the quantities of lubricant for each individual lubrication point, is received by the mobile memory at the nozzle control device from the fixed computer memory. After performing the required lubrication, data pertaining to the amounts and locations of lubrication is transmitted from the mobile memory at the nozzle control device to the memory of the fixed computer.

It is not possible to combine Hyvonen, Totaro, and Shida and arrive at the claimed invention where data is both received at and sent from the communications equipment located at the independently operated, manual lubrication device.

Favorable reconsideration is requested.

Claim 3 was rejected as being unpatentable over Totaro in view of Hyvonen and Shida, and further in view of Elkin. Elkin does not teach an identification device at the lubrication point, unless the entire car is considered a lubrication point.

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Furthermore, Elkin teaches a method of "automatically extracting fluids" (see the Abstract). The claimed invention is for a manual lubrication system. An automatic lubrication means entirely removing reliance on the operator and to provide continuous lubricant control. For automatic lubrication, pipe installations to the lubrication points are necessary. In contrast, manual lubrication, as is claimed, implies that the system relies on an operator for its successful operation. Support for the interpretation of manual versus automatic lubrication can be found in the enclosed excerpt from Nica, A: Theory and Practice of Lubrication Systems, Publishing House of the Rumanian Academy, Bucharest, 1969, pages 73-77. Based on these remarks and dependence from claim 1, please reconsider claim 3 allowable.

Favorable reconsideration is requested.

Claim 8 was rejected as being unpatentable over Totaro in view of Hyvonen and Shida, and further in view of Pollack. Claim 8 depends from claim 6, which has been addressed above. Please reconsider claim 8 allowable.

Claims 1-10 were rejected as being unpatentable over Elkin in view of Hyvonen in view of Pollack. The Examiner noted that Elkin teaches a manual lubrication point. The applicant traverses these rejections. Elkin teaches an automatic system as stated in the Abstract. The claimed invention recites a manual lubrication system. According to the enclosed reference by Nica, a manual system relies on an operator for its successful operation. The claimed lubrication gun is designed for being hand-held. The invention similarly can not be considered semiautomatic as it is not dependent on any action of the machinery that is to be lubricated. Based upon dependence from independent claims 1, 6, and 10, and the remarks above, please reconsider claims 1-10 allowable.

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In view of the above, favorable reconsideration in the form of a notice of allowance is requested.
Any questions regarding this communication can be directed to the undersigned attorney, John J. Gresens, Reg. No. 33,112, at (612)371-5265.

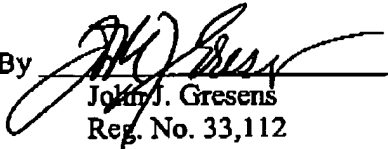


Respectfully submitted,

MERCHANT & GOULD P.C.

P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

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By 
John J. Gresens
Reg. No. 33,112

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